CITY OF BELMONT
CITY COUNCIL
AND
BELMONT FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS

www.belmont.gov

NOTICE OF SPECIAL MEETING
Tuesday, March 10, 2015
6:30 p.m.

EOC, Second Floor, City Hall
One Twin Pines Lane, Belmont, California

AGENDA

This Special Meeting is called to consider the items of business listed below.

1. ROLL CALL

2. ITEMS OF BUSINESS

Persons wishing to orally address the Council on the items of business listed below will be given an opportunity to do so before or during the Council's consideration of the item.

A. STUDY SESSION [Emergency Operations Center, 2nd Floor, 6:30 p.m.]

The public will have an opportunity to address the City Council concerning this item.

(1) Review of the Draft Municipal Regional Stormwater (NPDES) Permit and Discussion of a Potential Countywide Water Management Agency

Attachment(s):
Staff Report

3. ADJOURNMENT

If you need assistance to participate in this meeting, please contact the City Clerk at (650) 595-7413. The speech and hearing-impaired may call (650)637-2999 for TDD services. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting information can also be accessed via the internet at: **www.belmont.gov.** All staff reports will be posted to the web in advance of the meeting, and any writings or documents provided to a majority of the City Council/District Board regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, One Twin Pines Lane, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting.

Meeting Date: March 10, 2015

STAFF REPORT

Agency: City of Belmont

Staff Contact: Afshin Oskoui, Public Works Department, (650) 595-7459, aoskoui@belmont.gov

Agenda Title: Review of the Draft Municipal Regional Stormwater (NPDES) Permit and Discussion of a Potential Countywide Water Management Agency

Agenda Action: Information Only

Recommendation

Informational item – no action required.

Background

The San Francisco Bay Regional Water Quality Control Board has released an Administrative Draft of a revised Municipal Regional Permit (MRP), which expired at the end of November 2014. The MRP is issued for five year terms. The Regional Board staff intends to work with the regional co-permittee, and other stakeholders to adopt the new MRP by the fall 2015. In the meanwhile, the existing permit terms have been extended for an additional year.

Additionally, San Mateo County has begun to study an initiative regarding the potential for creating a new countywide integrated water management district, similar to the Santa Clara Valley Water District to the south, with the exception of potable water provision.

Analysis

Staff will provide the Council an overview of key proposed permit revisions, focused on provisions regarding Trash Load Reduction, Mercury and Polychlorinated Biphenyls (PCBs) Controls, New and Redevelopment requirements, and Green Infrastructure. Attached is a summary PowerPoint presented by the Water Board staff to the Countywide Stormwater Committee.

Also, the County has written a draft white paper (attached) which provides an overview of issues surrounding water management in San Mateo County, and describes two approaches to the creation of a countywide water management agency.

Alternatives

1. No Action Required

Attachments`

A. MRP Revisions Overview
B. Draft White Paper on Potential San Mateo County Water Management Agency

Fiscal Impact

☒ No Impact/Not Applicable
☐ Funding Source Confirmed:

Source:	**Purpose:**	**Public Outreach:**
☐ Council	☒ Statutory/Contractual Requirement	☒ Posting of Agenda
☒ Staff	☐ Council Vision/Priority	☐ Other*
☐ Citizen Initiated	☐ Discretionary Action	
☐ Other*	☐ Plan Implementation*	

*

Municipal Regional Permit 2.0

Overview of Key Revisions

MRP 2.0
Steering Committee
February 5, 2015

Tom Mumley
Assistant Executive Officer
SF Bay Regional
Water Quality Control Board

Trash Load Reduction (C.10)

Milestones - Schedule

- 60% by July 2016
- 70% by July 2017
- 80% by July 2019
- 100% (no averse level) by July 2022

Based on areal-percent of trash management areas managed and converted to low trash generation with full trash capture or verified equivalents

Trash Load Reduction (C.10)

Trash Generation Area approach based on 2014 Trash Generation Area Maps

- %-reduction based on conversion of Very High, High, and Medium areas to Low
- Weighted benefit for conversion of Very High and High relative to Medium

$$\%A_{T\text{-}L} = 100 \times \frac{(12 * A_{VH\text{-}L} + 4 * A_{H\text{-}L} + A_{M\text{-}L})}{(A_{VH} + A_H + A_M)_{2009}}$$

Trash Load Reduction (C.10)

Demonstrate Outcomes

- Full trash capture systems
  - Document and certify required O&M
- Other trash control actions
  - Document implementation
  - Assessment of trash management areas
- Receiving waters observations

Trash Load Reduction (C.10)

- Maintain mandatory minimum trash hot spot cleanups
  - Allow new sites
- Maintain up-to-date Trash Load Reduction Plan

Trash Load Reduction (C.10)

- Reporting
  - Updated maps that reflect certified full trash capture systems and other actions assessed
  - Summary of actions
  - Accounting of progress toward %reduction requirements
  - Receiving water observation summaries
  - Trash hot spot cleanup summaries

PCBs Reduction (C.12)

Short-Term Load Reductions

- Identify watersheds
- Identify control measures and schedule
- Reduce loads by 0.5 kg in yrs 1 and 2
- Reduce loads by 3.0 kg in next 3 yrs
- Load reductions allocated by county

PCBs Reduction (C.12)

Assessment Methodology

- Loads reduced or avoided by specific actions
- Foundation = MRP 1.0 load reduction accounting system (Dec 2013)
- Use to demonstrate load reduction progress and to inform reasonable assurance of long term plans

PCBs Reduction (C.12)

Green Infrastructure Plans

- Robust plans within permit term
  - Reasonable assurance to attain reductions = 3 kg/yr by 2040
- Begin implementation within permit term
  - 120 g/yr during final 3 yrs of permit
  - Allocated by county

PCBs Reduction (C.12)

- Plan for MRP 3.0 and beyond
  - Pathway to achieve TMDL allocations
  - Submit before end of permit
- Manage PCBs-containing materials
  - During building demolition and renovation activities
- Evaluate PCBs in roadway caulk
- Fate and transport studies of PCBs in margins (via RMP)
- Risk Reduction

New and Redevelopment (C.3)

- Focus on green infrastructure
- Maintain LID hierarchy and demonstration of retention/reuse infeasibility to allow underdrains
- Eliminate exemption of legacy projects approved with no C.3 treatment that have not begun construction

New and Redevelopment (C.3)

Permittee Green Infrastructure Plan

- Goal: Gray to green, over time
- Plan must get early buy-in and commitment from Permittee's governing body
- Plan must include the tools needed to make GI part of everyday practice
  - Planning & prioritization approach (e.g., GreenPlanIT)
  - Approved standard specifications
  - Training and outreach
  - Implementation goals and measurement over time (e.g., for TMDLs, 'greened acreage')

New and Redevelopment (C.3)

- Green Infrastructure Plan (cont.)
  - Plan should identify 'crosswalks' with related city planning processes & tasks to complete
    - e.g., complete streets, TOD, etc.
    - Identify opportunities and tasks to address funding issues (work with MTC on grant rqmts)
  - Each Permittee to develop a list of potential GI projects that may be as alternative compliance projects
  - No missed implementation opportunities during permit term

New and Redevelopment (C.3)

- Special Projects
  - Require demonstration of infeasibility of LID on or offsite (alternative compliance), in-lieu fees, or combo
  - Tie density criteria to gross density
  - Allow mixed-use projects to use dwelling unit/acre or FAR criteria for credit
  - Define FAR
  - Reduce reporting to once per year
  - Phase out by end of permit term

New and Redevelopment (C.3)

- Require inspections of pervious pavement and paver installations, treatment systems, and HM controls at time of installation
  - Rather than within 45 days
- Require recurring inspections of all pervious pavement and paver installations at Regulated Projects and alternative compliance sites
- Require recurring inspections of all pervious pavement and paver installations $\geq$ 5000 square feet at smaller non-Regulated Projects
- Require Enforcement Response Plan for O&M inspections

MRP 2.0 Timeline

- Admin draft permit - Feb 2015
- Public notice draft permit - April 2015
- Water Board hearing - May/June 2015
- Adoption hearing - Sep/Oct 2015

SAN MATEO COUNTY WATER MANAGEMENT AGENCY

White Paper – February 12, 2015

Purpose

San Mateo County is located in the San Francisco Bay Area on the peninsula south of the City and County of San Francisco and is surrounded by major water bodies on two sides. The western side of the County is defined by the Pacific Ocean and the eastern side abuts San Francisco Bay. Within the County's borders are 20 incorporated cities and a County-governed flood control district that (with the exceptions described below) separately manage the inter-related issues of flood control, clean water compliance, sea level rise, and groundwater management. Because these issues are connected by function and determined by geography – and not by jurisdictional boundaries – strategies to plan, fund, and implement their solutions should be multi-jurisdictional and supported by countywide funding. This document provides a summary discussion of the pressing issues surrounding water management in San Mateo County, and describes two approaches to the creation of a Countywide water management agency.

Flood Control:

While cities undertake flood protection projects within their own jurisdictions, the only coordinated effort is led by the County Flood Control District which (1) actively manages two flood control zones, Colma Creek and San Bruno Creek, and (2) is a member of a separate JPA that manages the San Francisquito Creek watershed. Notwithstanding the existence of the County Flood Control District, which in the case of San Bruno Creek does not have adequate resources to undertake major capital projects, there is no dedicated countywide funding source to fund the construction and maintenance of flood control infrastructure. Similar to the situation with clean water compliance activities, city flood protection projects are frequently funded out of the general fund, or this need is not met, as the demand for general funds far exceeds available revenue.

There are numerous existing flood control challenges facing San Mateo County. By way of example, these include:

- The Bay Front Canal in Redwood City which floods today even after minor storms. The Bay Front Canal accepts storm drainage water from portions of Redwood City, Menlo Park, unincorporated San Mateo (e.g. North Fair Oaks), Menlo Park, Atherton, and Woodside.
- Belmont Creek where current floods are problematic for multiple businesses. Cost estimates to remedy the problem are estimated to be at least $17.0 million and would likely require contributions from four jurisdictions.

- Flooding caused by San Francisquito Creek where funding for a project to reduce flood risks in East Palo Alto and Palo Alto along a flood-prone reach of the creek east of U.S. Highway 101 was provided primarily by the State of California and the Santa Clara Valley Water District.
- Cupid Row Canal and the North Channel of San Bruno Creek located in the City of San Bruno which have minimum capacity to accommodate a major storm event.
- The many decades old problem with water flows through Butano Creek and Pescadero Marsh in the Pescadero area.

In addition, FEMA is now engaged in a detailed analysis of the San Mateo County bayshore which will result in revised flood insurance maps in 2016. These maps may substantially increase the number of San Mateo County residents and businesses that will be required to procure expensive flood insurance and will highlight the need for infrastructure investments to prevent flooding.

Clean Water Regulation Compliance:
Clean Water Act compliance through Municipal Regional Permits issued by the San Francisco Bay Regional Water Quality Control Board is currently overseen by the City/County Association of Governments (C/CAG), consisting of the 20 cities and the County, in conjunction with individual efforts undertaken by these jurisdictions. Individual jurisdictions are left to fund clean water activities primarily from available funds, which tend to be unrestricted or "general funds" that must compete with other priorities.

Sea Level Rise:
San Mateo County's existing flooding challenges will be significantly compounded by sea level rise. According to a Pacific Institute study, San Mateo County has more property value at risk from sea level rise than any other county in the state. Strategies to respond to and manage sea level rise must be implemented if this region is to continue to be an economic engine for California. A number of initiatives are now underway to address this issue, including: the San Francisquito Creek JPA SAFER Bay project; the SFO/San Bruno Creek/Colma Creek Resiliency Study; a Coastal Conservancy funded sea level rise vulnerability assessment; and revisions to the Local Coastal Plan for Half Moon Bay reflecting sea level rise considerations. However, as with watersheds, sea level rise does not respect jurisdictional lines as rising seas may simply circumvent one jurisdiction's actions and increase the risk facing its neighbors.

Groundwater Water Management:

The water supply for San Mateo County is primarily derived from the Sierras, a source that is significantly stressed due to the drought and is likely to be even less reliable in the future as a result of climate change. In response, communities are looking for new water resources, such as groundwater, to meet projected demands. Without adequate oversight and cooperation, over-pumping of groundwater could result in land subsidence and diminished emergency water supplies. It is also important to keep SF Bay and ocean water out of groundwater, which will be harder to do as sea level rise becomes more prevalent.

Creation of a Countywide Water Management Agency

Decisions on how to address flood control issues, clean water compliance, sea level rise, and groundwater management should be based on topography, geomorphology, and science rather than jurisdictional boundaries. Because in many cases waterways form county and city boundaries, the watersheds, floodplains, and groundwater basins created by those waterways include areas on both sides and thus in multiple jurisdictions. A fragmented approach to the management and funding of water-related needs runs counter to the way in which water travels through watersheds and groundwater basins. While it makes sense to manage these resources using a regional approach, there currently is no public entity that coordinates, manages, or funds storm water and groundwater projects on a countywide basis.

Creation of a single agency to manage these activities allows for:

- Alignment of inter-connected, water-related challenges with the proposed solutions.
- Development of concentrated expertise in the above-mentioned areas.
- Expanded funding capabilities to address the many issues that are currently beyond the capacity of individual jurisdictions to solve.
- Increasing competitiveness for grant funds through program and project readiness, and by articulating a countywide vision for overall water management.
- Alignment of political entities to achieve regionally significant projects in a timely fashion.

The State is encouraging regional approaches to these issues by providing funding and relaxing administrative constraints (e.g. Proposition. 1, recently enacted and emerging legislation, and efforts by the State Water Board and Caltrans). It is much less likely that jurisdictions individually will be able to take advantage of these opportunities. The time is right for jurisdictions in the County to move in a coordinated direction and take advantage of opportunities being presented by the State as an "early adopter."

San Mateo County officials are proposing for the consideration of city and county leaders two options for a new countywide water management agency. Option 1 involves the formation of a new Joint Powers Authority (JPA) comprised of the County and all 20 cities. The JPA would have an independent Board of Directors and be funded by all participating agencies after initial start-up funding by the County to form the JPA. Option 2 involves leveraging the existing San Mateo County Flood Control District to utilize its existing countywide reach. The enhanced District (beyond its present subzones) would continue to be governed by the Board of Supervisors with administrative costs borne initially by the County until other revenue sources have been obtained. In addition, a new Management Advisory Committee -- consisting of representatives from the cities -- would be created to provide agency oversight and track projects to be implemented by the District. Whichever option is selected, it is critical that that the agency be small and nimble, and leverage outside expertise to the greatest extent possible. Details of the two options are further explained below.

Option #1: A New Joint Powers Agency

The San Mateo County Water Management Agency as a JPA would be composed of the 20 cities and San Mateo County. The JPA would offer the flexibility to manage water-related concerns on a regional level without the need for new State legislation, while also providing the means for raising revenues on a countywide basis.

The new JPA would be independent of the cities and the County with its own staff, and would be governed by a five to seven member Board of Directors comprised of at least four elected representatives from the cities and least one member of the County Board of Supervisors. The JPA would work closely with the cities and the County and have countywide oversight responsibility for flood control issues, clean water compliance, sea level rise, and groundwater management

Under this option, the JPA would function in a similar manner to entities such as the San Mateo County Transportation Authority whereby the JPA would:

- Provide broad oversight of the water issues described above.
- Prepare a countywide flood control vulnerability assessment to define both current and future deficiencies (such a plan is now underway by the County with Coastal Conservancy funding).
- Establish a prioritized list of projects to address those deficiencies, with an emphasis on projects that cross jurisdictional boundaries.
- Evaluate funding strategies.
- Seek revenue from multiple sources, including contributions from the cities and the County, grant funds, bonds, benefit assessment districts, and revenue through various ballot measures in compliance with State law.

- Work cooperatively with local jurisdictions to plan, design, construct and maintain specific projects, either as the lead agency or as a partner.
- Evaluate establishment of a revolving fund similar to the State Revolving Fund to be used for project implementation.
- Assume responsibility for managing the Clean Water Program currently managed by C/CAG

Process for Establishing Water Management JPA

The following steps outline a process for establishing the JPA. Some steps would be performed concurrently.

1. Work with an ad hoc committee described below to seek approval of the JPA concept from the cities and the County.
2. Develop and execute a JPA agreement. The county would bear the start-up costs of the JPA and contributions from the member agencies would fund administrative staff. JPA staff would then seek additional revenue from grants and voter approved revenue measures to fund ongoing administrative activities and capital projects.
3. Leverage C/CAG's work to date on a clean water compliance funding strategy.
4. Use combined work products from the vulnerability assessment and clean water compliance studies to identify deficiencies, both in terms of infrastructure and funding.
5. Establish a phased staffing model for the JPA. Begin with an Executive Director and executive team, Project Managers, Biologist(s), and communications staff. County staff may be used on an interim basis until the JPA can retain independent staff.
6. Develop and implement a public outreach campaign.
7. Pursue a revenue measure to fund the JPA such as a parcel tax or service-related fee. If approved by the voters, the revenue stream could then be leveraged as debt service for a larger bond measure to fund capital improvements.
8. Evaluate staffing based on programs, projects, and revenues.
9. Implement projects and programs.

Option #2: Enhanced County Flood Control District

A second option would leverage the existing San Mateo County Flood Control District (District) that was established via the California Water Code [Cal. Water Code Appendix, Chapter 87]. The existing District is governed by the five members of the County Board of Supervisors and staffed by County Department of Public Works employees. The District's powers are currently limited to flood control activities in the four established watershed subzones: Colma Creek, San Bruno Creek, San

Francisquito Creek, and Ravenswood Slough. Revenue for activities within the subzones is generated by a small portion of the 1% property tax established prior to the passage of Proposition 13. Revenue generated within each subzone can only be used within the subzone and only for flood control related activities. Adding the responsibilities of clean water compliance, sea level rise planning, and groundwater management, and changing the District's name to San Mateo County Water Management Agency to reflect these changes, would occur through a modification to the enabling legislation at the State level. The County would immediately begin to pursue the modification with local elected State representatives.

The expanded District would pursue the same initiatives as described above for the JPA. A Management Advisory Committee would be established comprised of city managers to evaluate District operations and effectiveness, and report findings to the District

If this option were pursued, the District could be up and running immediately for flood control and certain clean water regulatory compliance purposes. The County would agree to fund the initial administrative expenses of the District at no cost to the 20 cities in the County until additional funding sources are obtained. Current County administrative resources would be used for contract administration and personnel services (payroll and other HR functions, etc.) District staff would then begin work on integrating the Clean Water Program into current operations, begin the planning of multi-jurisdictional capital projects, explore revenue measure and grants to fund projects, and conform the agency to the new State requirements regarding groundwater management agencies. Revenue for capital projects would be sought through a voter approved parcel tax or other property related fee.

Process for Enhancing the County Flood Control District

The following steps outline a process for leveraging the current Flood Control District structure. Some steps would be performed concurrently.

1. Work with an ad hoc committee described below to seek approval of the expanded District concept with the cities.
2. County adds District staff at County's expense. New staff would increase the operational capacity of the new agency to conduct the water management related activities described above.
3. Pursue legislation to modify the California Water Code Appendix, Chapter 87 to expand the functions of the District.
4. Establish a Management Oversight Committee.

5. Transfer Clean Water Program responsibilities from C/CAG to the District, including its one staff member, and associated revenue currently used for this purpose.
6. Leverage C/CAG's work to date on a clean water compliance funding strategy.
7. Use combined work products from the vulnerability assessment and clean water compliance studies to identify deficiencies, both in terms of infrastructure and funding.
8. Develop and implement a public outreach campaign.
9. Pursue a revenue measure to fund the District such as a parcel tax or service-related fee. If approved by the voters, the revenue stream could then be leveraged as debt service for a larger bond measure to fund capital improvements.
10. Increase staffing based on revenues.
11. Implement projects and programs

Next Steps

An ad hoc committee has been established among the affected jurisdictions to develop the form and function of this new agency and help guide the formation process. Current committee members include a small group of city managers, the County Director of Public Works, and a representative from the Office of Congresswoman Jackie Speier and the Office of Supervisor Dave Pine as those offices have been investigating cross jurisdictional solutions to both current flooding and future sea level rise issues.

Outstanding Issues

- Decision on governance structure.
- Draft of JPA document (if applicable).
- Expand powers of County Flood Control District (if applicable).
- Develop a "Business Plan" outlining, among other things, revenue needs, revenue sources, and a schedule for obtaining revenue.
- Annual costs or "dues" from cities and County for JPA operations (if applicable).
- Details of distributing funding back to cities and County for storm water management and clean water regulatory compliance.